IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 4142 of 2006()

CRA.939/2005 of SESSIONS COURT, ERNAKULAM
CC.417/2001 of JUDL.MAGISTRATE OF FIRST CLASS, MUVATTUPUZHA

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REVN. PETITIONER:APPELLANT/ACCUSED

JOY JOSEPH, S/O. JOSEPH
AGED 48 YEARS, MUVATTUPUZHA MUNICIPALITY
VIII-WARD, MARKET P.O., MUVATTUPUZHA.
(CLERK, SOUTH INDIAN BANK, ERNAKULAM)

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: STATE/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

2. V.I.BABY, S/O. ITTANPILLAI, VATTAKKATTU VEEDU
   SOUTH MARADI KARA, MARADI VILLAGE.

BY ADV. SRI.KRISHNAKUMAR
BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl.R.P.No. 4142 of 2006

Dated this the 24th day of November, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- and in default of payment of fine to undergo simple imprisonment for three months. On appeal by the accused, the appellate court dismissed the appeal on the ground that the appeal was filed beyond the period of limitation, the application for condonation of delay having been dismissed.

Crl.M.A.No.11930/2006 signed by the complainant/accused and filed under Section 147 of the Negotiable Instruments Act was allowed. Accordingly, the conviction and sentence of the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K.T.SANKARAN,
JUDGE

csl